

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHARLES SHEPPARD,
Plaintiff,
v.
JULIE LUDWIG, et al.
Defendants.

Case No. 19-cv-1401

DECLARATION OF PLAINTIFF CHARLES SHEPPARD

I, Charles Sheppard, verify under the penalty of perjury that the following statements are true and correct and based upon my own 1st hand observations:

- 1.) Plaintiff Charles sheppard repeatedly told FLCI staff members that the plastic chair that they were providing him was unable to hold up his weight, and that he'd just went through this at WSPF and that he'd seriously harmed himself as a result of his plastic chair collapsing under his weight.
- 2.) On 6-3-19 Plaintiff Sheppard was transferred to FLCI from WSPF where he was housed on medical Unit 3 instead of being sent to the receiving intake Unit which is 9. He was put on the medical unit instead due to his restrictions.
- 3.) I had a medical restriction to use my wheelchair to sit in until my bariatric chair arrived. It was ordered on 1-4-19 and didn't expire until 1-5-20.
- 4.) The restriction to use my wheelchair to sit in until my bariatric chair arrived was given to me because the plastic chair wouldn't hold up my weight because I'd broken the plastic chair on multiple occasions.
- 5.) There's absolutely no-way that maintence could determine how much weight MY chair could hold up because they can't account for wear and tear or how old my chair was.

- 6.) The chair that I had was clearly old. The legs were flimsy, the chair had lots of scratches on it. It also didn't have anything on the bottom of it to prevent the legs from collapsing when a person sits in it.
- 7.) EXHIBIT A is a true and correct copy of my medical restriction where Dr. Gavin ordered that I be allowed to use a **WHEELCHAIR** for long distances and also be allowed to use it in my cell as a bariatric chair until my bariatric chair arrived. This document is numbered DOC-0529 in the lower right hand corner. The Order clearly states that the above listed restriction doesn't end until 1-5-20. therefore the restriction was in place and valid when i arrived at FLCI on 6-3-19.
- 8.) EXHIBIT B is a true and correct copy from my medical files of Progress Notes written By Dr. Sandy McArdle dated 5-30-19 and 5-31-19 in which she speaks on how the plastic chair collapsed under my weight and I had to be taken to the ER and suffered memory loss. This document is numbered DOC-0440 in the lower right hand corner. This shows that I had an incident in which I harmed myself as a result of being forced to sit in that plastic chair, prior to transferring to FLCI.
- 9.) EXHIBIT C is a true and correct copy of medical orders from my medical file in which Dr. Gavin reiterated that I be allowed to have a wheelchair restriction to use a wheelchair for distance (**CONSTANTLY**). This restriction was ordered on 5-16-19 and it didn't supposed to expire until 5/15/20. This document is labeled DOC-0525 in tyhe lower right hand corner.
- 10.) EXHIBIT A, B, & C was provided to plaintiff sheppard by the DOJ in response to a formal request for production of documents.
- 11.) I told C/O Dubois, Ms. H and Sgt. Ramsey that I had a restriction to have the wheelchair insteads of the plastic chair because the plastic chair wouldn't hold up my weight, they all disregarded that, and told me I had to use the plastic chair. They also told me that if I came into the dayroom I had to use my assigned plastic chair or I wouldn't be allowed to come into the dayroom because I had to be seated in the dayroom at alltimes in the plastic chair. Sgt. Ramsey asked me, "Do I look like a fucking doctor?"

12.) I wrote Warden Hepp a request slip explaining to him everything that transpired between myself and Sgt. Ramsey he never wrote me back.

13.) I wrote an inmate complaint to L. Bartow telling her about my issues with the plastic chair. I told the ICE that I had previously filed Complaint No. WSPF-2019-9747 about this exact same matter and how I fell out of my chair and got an concussion because WSPF ignored the fact that I told them the plastic chair couldn't hold up my weight, the sameway I'm telling FLCI staff and I'm being runaround in circles here as well.

14.) ICE Bartow wrote me back acknowledging my complaint on 6-21-19. Under the BRIEF SUMMARY section she stated, "Inmate claims the plastic chair in his cell is unable to hold up his weight."

15.) LAURA BARTOW has the authority to take corrective action in all matters regarding staff incidents against inmates. L. Bartow was aware of the incidents addressed herein, and could've acted immediately to rectify it but didn't.

16.) Ms. Bartow could've made a call to maintence and asked them to give me a more adequate chair.

17.) On 6-28-19 I met with Julie Ludwig. At this meeting me and Ms. Ludwig spoke **VERY THOROUGHLY IN GREAT DETAIL** about the issues I was having with the plastic chair. I told Ms. Ludwig first off how I'd harmed myself at WSPF and suffered an concussion as a result of the plastic chair they gave me breaking due to it not being able to hold up my weight. I told Ms. Ludwig that the chair I harmed myself in at WSPF is the exact kind that I'm being issued here at FLCI. I told Ms. Ludwig that the chair had already collapsed under me once. I told her that the unit C/O's were telling me that I couldn't be in the dayroom without the plastic chair because I needed to be seated at all times. I told Ms. Ludwig that WSPF gave me a restriction to have my wheelchair in my cell to use to sit in in place of my plastic chair to use until I was given an bariatric chair. I explained to Ms. Ludwig that this was an urgent matter and that I was tired of being given the runaround I also explained to her that I'd heard there was a metal chair in the unit. Ms. Ludwig admitted that there was one because another inmate with a similar issue had it .

~~BAHR, SIEDSCHLAG, TASSLER, CHAMBERLIN, SPORS, HANNI, MLOODZIK, and HOLT.~~
~~Together these staff members reviewed my medical files where they discussed the fact that I had just gotten back from the ER and had been diagnosed with an concussion yet they still chose to discontinue my wheelchair for distance and pusher restriction.~~

18.) I wrote Candace Whitman about the entire exchange that I had with Ms. Ludwig and a saw her shortly after when I was at HSU to get my Pregablin medication and Ms. Whitman asked me what the letter was about when i asked her if she got it. I summarrized everything that i told Ms. Ludwig at our 6-28-19 meeting and she stated that she did get the letter I wrote her.

19.) On 7-1-19 I was sitting in the plastic chair writing when the chairs legs just collapsed and I fell backwards hitting the back of my head on the metal bedframe. My head was bleeding very badly my cellmate went to get the 3rd shift Sgt. who promptly responded and they called the on-call RN because none were working at the time of the incident. Later that night I began to vomit and the RN had officers take me to the emergency room where I was diagnosed as having a concussion.

20.) I was in extreme pain as a result of this fall. I had migraine headaches very intensely daily for over a month following the fall. I hurt my neck and back and had to be given Physical Therapy as a result and I still get back and neck spasms to this day.

21.) As part of my verbal discharge instructions the doctor at the ER told me I needed to relax, not walk around and let my brain rest. Ms. Ludwig and Whitman were both aware that I'd suffered an concussion because I spoke to both of them shortly after returning from the ER.

22.) Yet on 7-2-19 the Special Needs Committee met those members included the following staff members LUDWIG, WHITMAN, BARTOW, BAHR, SIEDSCHLAG, TASSLER, CHAMBERLIN, SPORS, HANNI, MLOODZIK, and HOLT. Together these staff members reviewed my medical files where they discussed the fact that I had just gotten back from the ER and had been diagnosed with an concussion yet they still chose to discontinue my wheelchair for distance and pusher restriction.

23.) On 7-3-19 it was time for me to go and get my night/HS medication but I was feeling extremely disorientated and loopy and I had extreme balance issues so I told the unit officer this and I asked him if he could call HSU for me and ask them if they could bring my meds to the unit.

24.) So the unit officer called me into his office where he shut the door and he turned on the speaker phone and called HSU. The call was answered by RN Jan Britt. I PERSONALY TOLD MS. BRITT that there was no-way I could physically walk up that Hill with a Walker to HSU because I was feeling extremely loopy, dizzy, and disoriented. I explained to Ms. Britt that I had just recently been released from the ER where I was diagnosed with a concussion. She told me that she knew all that but, that my wheelchair for distance had been discontinued and that I needed to walk to HSU. I asked Ms. Britt if she could make an exception and allow someone to push me up there she said NO. So I asked her if she could please just bring my meds to me on the unit. She raised her voice and said NO I needed to come to HSU now I told her well I can't make it I'll refuse them then . She then said thats not acceptable either I needed to report to HSU physically and sign a refusal form or else I WOULD RECEIVE A CONDUCT REPORT.

25.) At that point not wanting to get into any trouble I grabbed my Walker and attempted to walk up the hill in order to get to HSU. My balance dizziness and equilibrium was very off, and as I was going up the hill I fellover rolling down the hill where I smacked the back of my head into the concrete.

26.) I was out of it for awhile at that point but I recall several C/O's coming to pick me off the ground take me to HSU in a wheelchair at that point. When I got to HSU Ms. Britt asked what happened? I told her that I fell over and hit my head on the concrete. I never once told her that I just got dizzy and sat down period.

27.)//FLGIRKAD MULTIPLE BARIATRIC chairs. In fact I was given one on 7-3-20 with metal legs and I had no issues with it at all. It held my weight up without any problems and I was nearly 400 pounds. The Sgt. got the chair from the basement

28.) When I got out of seg I was sent to unit 5 where I was given a broken chair with a broken plastic back and metal legs. It was not the same bariatric chair that I was given on 7-3-20. My original bariatric chair was on Unit 3 still. Unit 5 staff refused to call unit 3 to get it for me.

Dated this 4th day of October, 2020.

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Charles Sheppard
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